

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Camareno VARGAS-Aviles,  
(AKA): Aviles VARGAS-Camareno,  
(AKA): Juan A. VARGAS

Defendant.

) Magistrate Case No.

) 08 MJ 1945

) COMPLAINT FOR VIOLATION OF:


) Title 8, U.S.C., Section 1326;

) Deported Alien Found in the  
) United States

The undersigned complainant, being duly sworn, states:

On or about, **June 22, 2008**, within the Southern District of California, defendant, **Camareno VARGAS-Aviles, (AKA): Aviles VARGAS-Camareno, (AKA): Juan A. VARGAS**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT

Immigration Enforcement Agent  
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **June** 2008.

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

On June 22, 2008, the defendant identified as **Camareno VARGAS-Aviles, (AKA): Aviles VARGAS-Camareno, (AKA): Juan A. VARGAS**, was arrested in Escondido, California by the Escondido Police Department in violation of 647(F) PC "DISORDERLY CONDUCT: DRUNK" and booked into Vista Jail. On June 23, 2008, an Immigration Enforcement Agent with Immigration and Customs Enforcement determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On June 24, 2008, the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about April 11, 2005 and physically removed to Mexico on or about July 1, 2005 via the San Ysidro Port of Entry. Record checks and statement made by defendant further indicates that he has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Camareno VARGAS-Aviles, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

The defendant was admonished as to his rights per "MIRANDA" in the Spanish language. The defendant acknowledged his rights per "MIRANDA", waived those rights and elected to answer questions without counsel present. The defendant admitted that he is a citizen of Mexico by virtue of birth, was deported or removed from the United States to Mexico and had not obtained a waiver in order to re-enter the United States. The defendant admitted that he unlawfully entered the United States on an unknown date in April, 2008, by walking through the fields near Otay Mesa, California. The defendant admitted that he has no legal right to enter or reside in the United States.